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PHILIP S. ABBOT. — To all who knew Philip Stanley Abbot, the November number of *Appalachia* will be full of interest. The circumstances under which he met his death are vividly described by Professor Fay, who was with him at the time. To this account are appended extracts from a letter written to the author of the article by Mr. Abbot's father. Professor Palmer contributes an appreciative and sympathetic obituary notice, which is followed by a very effective sonnet. The magazine is published by the Boston Appalachian Mountain Club, and is for sale by W. B. Clarke & Co., of 340 Washington Street.

TORRENS SYSTEM HELD UNCONSTITUTIONAL IN ILLINOIS. — In the case of *The People v. Chase*, reported in 29 *Chicago Legal News*, 93, the Supreme Court of Illinois has declared unconstitutional that feature of the Torrens system of title registration as adopted there, which provides for a registrar of titles whose duty it is to register titles, etc., after he is satisfied that an applicant's title is good. It is assumed for the purposes of the decision that the law gives all persons five years to assert claims in the courts. Nevertheless it is held that judicial functions are conferred upon the registrar because his decision is necessarily based on law and fact, and because, with the limitation of actions provided for, it affects rights. The State Constitution vests the judicial power exclusively in the courts therein provided for.

This is not a satisfactory decision. It is perfectly clear that no sharp line can be drawn between judicial and other functions. *Cooley, Const. Lim.*, 6th ed., 109. That the duties of an official require him to pass upon law and fact in a way that affects rights does not of itself make these duties judicial rather than ministerial. When a sheriff levies upon the goods of A as belonging to B, a judgment debtor, his decision that they are B's binds A after the statute of limitations has run quite as much as, on the hypothesis of the court, a registrar's decision binds all adverse claimants. The latter is not an adjudication in the constitutional sense,

because not a final settlement of the rights of parties before the tribunal. It is true that notice to those known to be interested is provided for, but there is no power to summon them to appear. The findings are open to collateral attack but no appeal lies from them. The object of this notice, therefore, is to lessen the hardship of a short period of limitation. The reasoning of the court amounts to saying that an act becomes judicial in its character when it is made the starting point for a statute of limitations.

The counsel for the State in this case, Messrs. Pence and Carpenter of Chicago, have favored the REVIEW with copies of their very able briefs. They have attacked many features of the voluminous statute. It is possible here to mention only a few of the points they have made. They contend that, on a fair construction of the act, no statute of limitations is provided for, at any rate as to the decisions of registrars on the transfer of land which has been brought under the act; and that, if a statute of limitations is provided for, it is not constitutional, not being connected with possession on the part of the person in whose favor it runs. The view taken by the court rendered it unnecessary to consider these doubtful and interesting points. If the petition for a rehearing is granted, the court may pass upon some of them.

A PROPOSED CHANGE IN THE METHODS OF LAW REPORTING.—The task of extracting the law from the enormous mass of judicial decisions annually reported in this country is so difficult, that hardly a month elapses without the publication of some plan for simplifying the matter. And never were discussions of the question more pertinent than at present, in the light of the fact that this year's Century Digest of American Cases will, according to Professor C. G. Tiedeman of the University Law School of New York, contain reference to over half a million cases. Professor Tiedeman's article on "The Doctrine of Stare Decisis" in the recently published report of the New York Bar Association, contains an interesting suggestion on this point. He proposes that the reports of decisions should in the future contain only a statement of the material facts of the case, and a concise statement of the ruling of the court on the questions of law involved. And he suggests the appointment of a commission composed of the ablest jurists of the State, who should be charged with the reduction of the existing law to the form of commentaries on the different branches, and who should, after the completion of this task, issue annuals in which the judgments of the court during the current year would be analytically explained in the light of their exposition of the existing law, and the modifications stated, if any, which the new case has made in the prior law. These commentaries, he adds, should not take on the rigid form of a code, but should be in the strictest sense commentaries only, intended to relieve the profession of "the titanic task of gleaning the law from a study of five hundred thousand cases," and from "the difficult effort to reconcile the conflicting opinions of the courts in innumerable cases in which the judgments, upon a proper analysis of the law, and apart from judicial opinions, can be shown to be in harmony."

Professor Tiedeman's scheme seems to be, in effect, to restrict the judges to the task of simply deciding the rights of the litigants in the particular cases before them without giving their reasons, and to leave to the commission the truly "titanic" task of summarizing the results in the light of existing law. One may doubt the practicability of such a scheme,